

AFFIDAVIT OF JONATHAN BORDERS

STATE OF LOUISIANA)
PARISH OF UNION) SS:

I, Jonathan Borders, M.D., being duly cautioned and sworn, depose and state that I am competent to testify to the facts contained herein, that I have personal knowledge of the facts contained herein, and that the facts contained herein are true and accurate to the best of my belief.


1. I reside in Union Parish in the State of Louisiana.
2. I was terminated as a resident at Mount Carmel West Hospital in March 2010.
3. Prior to my termination, I was counseled by Dr. Weiss and Mount Carmel staff for problems on the job.
4. In March 2010, I was working more than 80 hours per week in the ICU and was very tired.
5. Requiring a resident to work in excess of 80 hours is in violation of American Council of Medical Education rules and regulations and doing so can result in fatigue and errors.
6. I complained to Mount Carmel about working 80 plus hours per week but no action was taken to correct it.
7. I asked an intern to hold my pager while on call and wake me up when the pager goes off or to ask for help if she needed me because I needed some rest due to 80 plus work week.
8. I did not receive a request for help from the intern and assumed everything was ok.
9. Mount Carmel had two meetings with me about a complaint by the intern that I did not respond to her request for help.
10. I told the truth that I was tired, that I had permitted the intern to use the pager and instructed her to contact me if she needed help.

11. I did not lie about the incident and told the truth because I assumed that the hospital would be ok with this arrangement since I was working in excess of the ACGME's 80 hour work week restriction.
12. I told them that I did not receive a page or call from the intern.
13. I was completely surprised when I was fired; I had no prior notice or knowledge that this incident would lead to my termination.
14. On two occasions, I participated in meeting about Dr. Nayyar's lawsuit.
15. The first meeting was between Dr. Weiss and I about Dr. Nayyar's termination.
16. The second incident was a meeting of all residents in which we discussed Dr. Nayyar's termination.

Further, Affiant Sayeth Naught.


JONATHAN BORDERS, M.D.

Sworn and Subscribed before me this 22 day of January 2013.


Notary Public
Commission Expiration Date: death

